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LETTER DATED 23 FEBRUARY 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ZAIRE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith, for the attention of the members of the Security Council, Zaire's position on the interim report of the International Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan government forces (S/1996/67, annex).

I am also authorized to tell you that, since the International Commission of Inquiry left Zaire of its own accord, it is for it to decide, and to inform the Zairian authorities accordingly, what it considers to be an appropriate moment for it to return to Zaire to complete its work there. It will receive the same cooperation and the same facilities from the Government of Zaire as it did on its first visit to the country.

I should be grateful if you would bring the content of this letter and its annex to the attention of the members of the Security Council and arrange for them to be issued as a document of the Security Council.

(Signed) LUKABU KHABOUJI N'ZAJI
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex

Zaire's position on the interim report of the International Commission of Inquiry, as set forth by the Deputy Prime Minister, Minister for Foreign Affairs, of Zaire on 22 February 1996

1. By his letter No. PM/01/MNT/0-03/95 of 23 June 1995, the Prime Minister and Head of Government requested the establishment of an International Commission of Inquiry into the unproved allegations of the supply by Zaire of arms or training to former Rwandan government forces. As a result, he can hardly oppose or obstruct the Commission's work, even if the Commission's establishment has been vitiated by many irregularities. Resolution 1013 (1995) of 17 September 1995 was adopted by the Security Council three months after the formal request by the Zairian Government and two weeks after the adoption, on 16 August 1995, by the same Security Council, of resolution 1011 (1995) lifting the embargo on the supply of arms to Rwanda and making it possible for Rwanda to arm itself against the alleged threats coming from Zaire.

2. Zaire welcomed the International Commission of Inquiry to its territory and is the only country in the region to have answered the Commission's entire list of questions.

3. Nothing in the interim report proves that Zaire is training former Rwandan government forces in order to destabilize Rwanda and is supplying them with arms for that purpose. In fact, if Zaire had wanted to do this, it would have been permissible for it to return to those forces all the arms seized from them. Moreover, the inquiry conducted among officials of the British Overseas Development Administration and information obtained from members of the International Commission clear Zaire of all suspicion.

4. Zaire categorically denies that it is involved in any attempt to destabilize Rwanda through former Rwandan government forces.

5. Zaire regrets that, having found no evidence with which to incriminate it, the International Commission of Inquiry, in its interim report, uses turns of phrase and circumlocutions designed to leave an element of doubt, giving reason to believe that the Commission came to Zaire with preconceived ideas.

6. What is more, the Commission showed no respect or consideration for the Zairian authorities in North and South Kivu. It did not even deign to accord to them, during its mission, the same treatment as that accorded to Rwanda's leaders. In Rwanda, the Commission was assisted in its inquiries by several officers of the Rwandan Patriotic Army (APR) who accompanied it everywhere, including during the inquiry on Iwawa island where they even served as interpreters. In Zaire, on the other hand, the Commission would not allow the delegation, headed by the Auditor General of the Zairian Armed Forces, which was escorting it to attend meetings where it questioned witnesses. Why?

7. Zaire did not terminate the Commission's mandate, nor did it ask it to leave its territory. Rather, the Commission did so of its own accord as soon as

the Zairian Government raised the issue of unequal treatment and pointed out that the conduct of some Commission members was incompatible with the objectivity and impartiality required for the performance of such a mission.

8. Zaire therefore rejects the accusation of lack of cooperation levelled at it by the Commission and is outraged that the Commission's members have said that it obstructed their inquiry. What Zaire wants is to see a return to stability in the Great Lakes region, a stability that has been threatened by those who are the cause of the refugee exodus.

9. Zaire is the victim, but not the cause, of the refugee exodus and the United Nations should therefore look into the causes of that exodus, which has been taking place since 1959, and concentrate on what is happening inside Rwanda instead of diverting the international community's attention to Zaire.

10. Zaire strongly reiterates that it is not harbouring "criminals" from Rwanda. It is Rwandans fleeing the horrors of the civil war in their country that are coming to live in Zaire. Zaire asks only one thing: that they leave.

11. Zaire completely rejects the content of the letter dated 2 February 1996 from the Ambassador of Rwanda addressed to the President of the Security Council (S/1996/84). That letter is a tissue of lies and nonsense, if one bears in mind that the Ambassador, in order to get where he is today, benefited, like the other refugees who fled Rwanda, from asylum and protection in Zaire.

12. One is entitled to wonder how much credence can be given to statements by the Ambassador of a country which, after demanding and obtaining the establishment of an International Tribunal to try persons accused of genocide, itself establishes popular courts to try the same persons, at the very moment when the Tribunal is in session. What confidence can one have in the sentences passed by a judicial system that is monopolized by a single ethnic group, totally unreliable and forces over 60,000 people to languish in inhuman conditions in makeshift prisons? What can one say of a judicial system that has been turned over to a single ethnic group, the Tutsis, to try Hutu "criminals"?

13. If the Commission had wanted to be objective, it could have indicated in its interim report that several Rwandan citizens of Tutsi origin have been arrested by Zaire's security forces for having planted bombs and organized arms caches in North and South Kivu.

14. Zaire is entitled to think that all of this forms part of an international political conspiracy that was intended to steer the International Commission of Inquiry towards arms caches created for the needs of the cause by persons infiltrated by the Rwandan Patriotic Front (FPR) in North and South Kivu, so as to justify the false allegations levelled at Zaire and to cover up Rwanda's clandestine activities to destabilize the Great Lakes region. Unfortunately for those who thought up this plan, the network of people engaged in laying mines and planting bombs was dismantled and the arms caches discovered before the arrival of the International Commission of Inquiry, when an attempt was made on the life of the FAZ Chief of Staff at Goma.

15. Lastly, Zaire did not ask the Commission to leave and did not terminate its mandate. Instead, in keeping with the above-mentioned letter from its Prime Minister and Head of Government, Zaire is asking that the terms of reference of the International Commission of Inquiry be made very clear and be negotiated with the Government of Zaire and that the Commission accord non-discriminatory treatment to Zaire. The least that Zaire is entitled to expect from the members of a United Nations commission is that they show respect and above all consideration, at every level, for the authorities of the country they visit. The Government of Zaire considers it an outrage on the part of the International Commission of Inquiry that it invited to Goma Rwandan elements who had been expelled from Zaire, or had fled after judicial proceedings were instituted against them, in order to provide them with information on Zaire.

(Signed) Gérard KAMANDA wa KAMANDA
Deputy Prime Minister
Minister for Foreign Affairs